

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
August 12, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Bill Goodwin, Mayor Pro Tem
Michelle Bliss, Council Member
Kara King, Council Member
Marie Lowman, Council Member
Tom Matzen, Council Member

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Kaylynn Holloway, City Secretary
Patty Akers, City Attorney
Katherine Griffin, Director of Finance
Russell Pancoast, Police Chief
Lindsey Oskoui, Director of Planning and Development
Giancarlo Patino, City Engineer
Barbara Hathaway, Library Director
David Theriault, Systems Analysis

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, August 12, 2014 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Carroll Killebrew, 5410 Great Divide, spoke about the activity of the West Travis County Public Utility Agency to have itself redefined as a Municipal Utility District without the approval of the participating entities. He stated that he disagreed with their legislative effort.

Consent Agenda

- A. Consider approval of minutes of the Special Session conducted on July 21, 2014.
- B. Consider approval of minutes of the Regular meeting conducted on July 22, 2014.
- C. Consider approval of minutes of the Special Session conducted on July 28, 2014.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Goodwin, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Goodwin, Council Members Bliss, King, Lowman and Matzen
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action confirming the City Manager’s appointment of Gary Miller as Police Chief.

Gary Miller was present at the meeting.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Bliss, to confirm the City Manager’s appointment of Gary Miller as Police Chief.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Goodwin, Council Members Bliss, King, Lowman and Matzen
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a site and NPS Plan for Bella Colinas Section 7, 8 and 9 located within the ETJ west of the city limit and south of Highway 71.

City Engineer Giancarlo Patino presented this item.

Members of the City Council had concerns regarding the potential drainage issues and the transfer of the mitigation to the Homeowner’s Association.

Matthew Scrivener of Meritage Homes was present at the meeting and spoke on this item. He commented that they added sufficient language to relieve the City from any responsibilities in case of potential drainage issues.

Executive Session:

The City Council closed the Open Session at 6:33 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the section of the Open Meeting Law under which the meeting would be held.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 - Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may adjourn into the Conference Room for the executive session.

The City Council closed the Executive Session at 7:02 and reconvened in the Council Chambers.

Continue discussion of above item.

Mayor Murphy asked Mr. Patino if the applicant's design, as presented, meets the performance standards of the Subdivision ordinance.

Mr. Patino replied yes and that they have actual drainage easements that will be depicted on the plat.

Mayor Murphy asked the applicant if when a homebuyer receives all of the documents at closing, is there a particular mechanism that you can encourage the real estate agent to use to make very clear on these 20 lots that there are certain restrictions on these easements.

Mr. Scrivener replied that they have 3 individual documents that speak to the drainage easements and one of those being a required signature at time of closing. In addition they have a minimum of 3 walks within the house for orientation.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Matzen, to approve the site and NPS plan for Bella Colinas, Section 7, 8 and 9.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Goodwin, Council Members Bliss, King, Lowman and Matzen

Voting Nay: None

Absent: None

The motion carried.

Discuss and consider action on the Final Plat of Bella Colinas Sections 7, 8 and 9, located within the ETJ west of the city limit and south of Highway 71.

Planning & Development Director Lindsey Oskoui presented this item.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Lowman, to approve the final plat for Bella Colinas with the stipulation that the City receives the fiscal security within 30 days.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Goodwin, Council Members Bliss, King, Lowman and Matzen
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a site plan for the Park at Bee Cave.

Executive Session:

The City Council closed the Open Session at 7:08 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the section of the Open Meeting Law under which the meeting would be held.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 - Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may adjourn into the Conference Room for the executive session.

The City Council closed the Executive Session at 7:33 and reconvened in the Council Chambers.

Continue discussion of above item.

Giancarlo Patino presented this item.

Bill Walters of Walters Southwest also spoke on this item.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to postpone this item until the next meeting on August 26, 2014.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Goodwin, Council Members Bliss, King, Lowman and Matzen
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action regarding the interpretation of recreational land uses in Chapter 32 of the Code of Ordinances.

Ms. Oskoui requested guidance from the Council regarding recreational land uses.

The City Council provided input. Membership sports will be deleted, team sports will be added as a conditional use in non-residential districts and indoor exercise studios will be added and will encompass such things as yoga, pilates and gymnastic uses.

John Colman, 5201 Great Divide, commented that if you try to regulate something simply on the basis of how it is paid for then the regulation is doomed.

The staff will notice this item for a public hearing and it will be brought back for Council approval.

Discuss and consider action on the creation of a Parks and Recreation Board.

The City Council discussed the creation of a Parks and Trail Commission.

Mr. Colman suggested that the Commission have a mission statement and make it clear how they interact with others.

This item will be brought back at a later date.

Discuss and consider action on the creation of a slogan for the City of Bee Cave.

The Council agreed that this item should be considered at a later date.

Discuss and consider action on a preliminary budget forecast of revenue and expense for the FY 2014-15.

The City Council discussed the preliminary budget. This will be brought back for a final approval at the next meeting.

Council Member Bliss left the meeting at 9:40 p.m.

Executive Session:

The City Council closed the Open Session at 9:40 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the section of the Open Meeting Law under which the meeting would be held.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.072 – Deliberation regarding Real Property and Section 551.071 - Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may adjourn into the Conference Room for the executive session.

- Consultation with attorney regarding CCNG/Spanish Oaks Development Agreement.
- Deliberation regarding acquisition of real property for municipal purposes and authority to acquire property through eminent domain.
- Consultation with attorney regarding authority of city to annex property in the Extra Territorial Jurisdiction.
- Consultation with attorney regarding land uses associated with Summit 56.
- Consultation with attorney regarding the Participation Agreement with West Travis County MUD #5 and Hays County on the creation of the West Travis County Public Utility Agency.
- Consultation with Attorney regarding proposed legislation regarding the West Travis County Public Utility Agency.

The City Council closed the Executive Session at 11:07 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Goodwin, Council Members King, Lowman and Matzen
Voting Nay: None
Absent: Council Member Bliss

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The motion carried.

The City Council adjourned the meeting at 11:07 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary